



#12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
Mark J. Stefik et al.) Group Art Unit: 3621
Serial No. 10/015,950) Examiner: K. Abdi
Filed: December 17, 2001) Attorney Docket No. 111325-87
For: Composite Digital Works Having Usage) Date: April 16, 2003
Rights And Method For Creating The)
Same)

Terminal
(App'd)
D. J. R. 5/22/03

04/17/2003 HGUTEMA1 00000044 10015950

02 FC:1814

110.00 DP

TERMINAL DISCLAIMER

Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Marc S. Kaufman, having a place of business at Nixon Peabody LLP, 8180 Greensboro Drive, Suite 800, McLean, Virginia, 22102, USA, represent that I am an attorney of record in the above-identified application and that I am a representative empowered to act on behalf of the assignee identified below. I further certify that the Assignment referred to below has been reviewed and certify that, to the best of my knowledge and belief, the entire right, title and interest in the above-identified application is in the name of ContentGuard Holdings, Inc. by virtue of an Assignment recorded in the U.S. Patent and Trademark Office on February 21, 2002, at Reel 012611, Frame 0042.

ContentGuard Holdings, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer, of U.S. Patent No. 5,638,443. ContentGuard Holdings, Inc. hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above U.S. Patent No. 5,638,443 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, ContentGuard Holdings, Inc. does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration

date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the above U.S. Patent No. 5,638,443, as shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 35 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



Marc S. Kaufman
Registration No. 35,212 /

MSK:dk

NIXON PEABODY LLP
8180 Greensboro Drive, Suite 800
McLean, Virginia 22102
(703) 770-9300
(703) 770-9400 (Fax)